IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 19884 of 2005

Between:

Church of South India Trust Association

a Company Incorporated under Section 26

of the Companies Act of 1913 (Under S 25 of
1956) having its Regd. office

at Synode Office, CSI Centre No. 5,

Writes Road, Chennai

..... PETITIONER

AND

District Collector and District Magistrate,

Nizamabad and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in issuing directions vide Lr.No.A1/177/2005, dated 13.07.2005, requesting the 2nd respondent to instruct all the Sub-Registrars in the District not to entertain the registration of the petitioner church lands without his specific permission, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Stamps and Registration.

The learned counsel for the petitioner contended that the petitioner is the absolute owner of the properties mentioned in the writ petition and the Government has no right or title over the said properties, and the 1st respondent has no right to issue the impugned proceedings, and hence, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Stamps and Registration contended the petitioner has no right to question the impugned proceedings.

The impugned proceedings would go to show that the
1st respondent directed the 2nd respondent to issue instructions to all the Sub-Registrars in the District not to entertain the registration of petitioner church lands without specific permission of the District Collector. The 1st respondent has no power to issue such directions to the 2nd respondent. At best, he can forward the survey numbers of lands in question to the Government for the purpose of notification in the gazette. Therefore, the impugned proceedings suffers from ultra virus and liable to be set aside.

Therefore, the Writ Petition is allowed, setting aside the impugned proceedings dated 13.07.2005. The respondents are directed to process the document, if any

filed by the petitioner for registration, in accordance with law, particularly with reference to the provisions of the Stamp Act and Registration Act. No order as to costs.

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K.C. BHANU,J

Dated: 16.09.2005

Dsr

Note:

Issue wire at party's costs

B/o

Dsr